

**NOTICE OF HEARING  
IN CANADIAN AUTO PARTS PRICE-FIXING CLASS ACTIONS**

**If you bought or leased, directly or indirectly, a new or used Automotive Vehicle or certain automotive parts, since January 1998, you should read this notice carefully.  
It may affect your legal rights.**

**A. WHAT IS A CLASS ACTION?**

A class action is a lawsuit filed by one person on behalf of a large group of people.

**B. WHAT ARE THESE CLASS ACTIONS ABOUT?**

Class actions have been started in Canada claiming that many companies participated in conspiracies to fix the prices of automotive parts sold in Canada and/or sold to manufacturers for installation in Automotive Vehicles<sup>1</sup> sold in Canada.

This notice is about class actions relating to the following automotive parts (the “Relevant Parts”):

<b>Part</b>	<b>Description<sup>2</sup></b>	<b>Class Period</b>
Air Conditioning Systems	Air Conditioning Systems are systems that cool the interior environment of an Automotive Vehicle and are part of an Automotive Vehicle’s thermal system. An Air Conditioning System may include, to the extent included in the relevant request for quotation, compressors, condensers, HVAC units (blower motors, actuators, flaps, evaporators, heater cores, and filters embedded in a plastic housing), control panels, sensors, and associated hoses and pipes.	January 1, 2001 to December 10, 2019
Air Flow Meters	Air Flow Meters, otherwise known as a mass air flow sensors, measure the volume of air flowing into combustion engines in Automotive Vehicles, that is, how much air is flowing through a valve or passageway. The Air Flow Meter provides information to the Automotive Vehicle’s electronic control unit in order to ensure that the proper ratio of fuel to air is being injected into the engine.	January 1, 2000 to March 20, 2017

<sup>1</sup> In the Hitachi Metals, and NGK Spark Settlements, Automotive Vehicle is defined as: all passenger cars, sport utility vehicles, vans, and light trucks (up to 10,000 lbs). In the Denso Settlement, Automotive Vehicle is defined as: all automobiles, passenger cars, sport utility vehicles, vans, trucks, buses, and without limitation any other type of vehicle containing Automotive Parts.

<sup>2</sup> The exact definition of the Relevant Parts vary slightly as between the settlements. For more information, please review the settlement agreements, available online at [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) or [www.sotosllp.com/class-actions/current-cases/auto-parts/](http://www.sotosllp.com/class-actions/current-cases/auto-parts/).

Part	Description <sup>2</sup>	Class Period
Alternators	Alternators are devices that charge an Automotive Vehicle's battery and power the electrical system of an Automotive Vehicle when its engine is running.	January 1, 2000 to March 20, 2017
Automatic Transmission Fluid Warmers and Oil Coolers	Automatic Transmission Fluid (ATF) Warmers are devices located within an Automotive Vehicle's engine that improve fuel economy by warming transmission fluid to lower its viscosity, allowing the transmission fluid to flow more easily. The term ATF Warmers includes Oil Coolers. Oil Coolers are devices located within an Automotive Vehicle's engine that remove surplus heat from the engine oil.	November 1, 2002 to August 30, 2017
Automotive Brake Hoses	Automotive Brake Hoses are high and low pressure hoses made from a variety of materials, including but not limited to rubber, metal, and silicone, which carry brake fluid through the hydraulic brake system of an Automotive Vehicle.	February 1, 2004 to April 2, 2019
Automotive Exhaust Systems	Automotive Exhaust Systems are an automotive system that collects exhaust gases from the engine and guides them out of the Automotive Vehicle. The term Automotive Exhaust Systems includes the following related components, to the extent included in the relevant request for quotation: manifolds, flex pipes, catalytic converters, converters, diesel oxidation catalysts, diesel particulate filters, oxygen sensors, exhaust gas temperature sensors, isolators, gaskets, clamps, resonator assemblies, pipe accessories, mufflers, muffler assemblies, and tubes.	January 1, 2002 to December 10, 2019
Ceramic Substrates	Ceramic Substrates are uncoated ceramic monoliths (cylindrical or rectangular tubes) containing a fine mesh-like inner structure that runs the length of the tube. Ceramic Substrates are coated with a mix of metals and other chemicals and then incorporated into catalytic converters, which are installed in Automotive Vehicles.	July 1, 1999 to April 2, 2019
Electronic Control Units	Electronic Control Units or ECUs are electronic modules that control one or more of the different electrical systems or sub-systems in an Automotive Vehicle. ECUs are different types of small computers with embedded software. ECUs excludes ECUs that were integrated into an automotive wire harness system and procured as part of a request for quotation for an automotive wire harness system.	January 1, 1999 to November 2, 2016

Part	Description <sup>2</sup>	Class Period
Electronic Throttle Bodies	Electronic Throttle Bodies are a component of an electronic throttle control system in an Automotive Vehicle. Electronic Throttle Bodies control the volume of air flowing into the engine according to a signal from the engine control unit.	January 1, 2000 to March 20, 2017
Fan Motors	Fan Motors are small electric motors that are used to turn radiator cooling fans in Automotive Vehicles.	January 1, 2000 to April 2, 2019
Fuel Injection Systems	Fuel Injection Systems are systems that admit fuel or a fuel/air mixture into the engine cylinders of Automotive Vehicles. The term Fuel Injection Systems includes any of the components of such systems including, without limitation: injectors; high pressure pumps; rail assemblies; feed lines; fuel pumps and fuel pump modules. In some instances, Fuel Injection System components can also be sold as part of an Engine Management System.	January 1, 2000 to March 20, 2017
Fuel Senders	Fuel Senders are devices located in the fuel tank of an Automotive Vehicle and measure the amount of fuel in the tank. Fuel Senders consist of a float, which is attached to a long metal rod attached to a variable resistor.	January 1, 1999 to December 9, 2015
Heater Control Panels	Heater Control Panels are located in the centre console of an Automotive Vehicle. Heater Control Panels consist of operational panels incorporating buttons and switches which control the temperature of the interior environment of an Automotive Vehicle.	January 1, 2000 to November 2, 2016
High Intensity Discharge Ballasts	High Intensity Discharge (HID) Ballasts are electrical devices that limit the amount of electrical current flowing to a high intensity discharge headlamp installed in an Automotive Vehicle, which would otherwise rise to destructive levels due to the high intensity discharge headlamp's negative resistance.	July 1, 1998 to August 13, 2018
Ignition Coils	Ignition Coils are an induction coil in an Automotive Vehicle's ignition system. Ignition Coils transform the low voltage of the Automotive Vehicle's battery to the thousands of volts needed to create an electric spark in the spark plugs to ignite the fuel.	January 1, 2000 to March 20, 2017
Instrument Panel Clusters	Instrument Panel Clusters, also known as meters, are the mounted array of instruments and gauges housed in front of the driver of an Automotive Vehicle.	January 1, 1998 to December 9, 2015

Part	Description <sup>2</sup>	Class Period
Inverters	Inverters provide power to motors by converting direct current (DC) electricity from an Automotive Vehicle's battery to alternating current (AC) electricity. Every Automotive Vehicle with an electric traction motor requires Inverters to power them. The Inverter converts high voltage DC electricity into multi-phase AC current that drives the three-phase induction or permanent magnet electric machines used to actuate the motor in hybrid and electric Automotive Vehicles.	January 1, 2000 to March 20, 2017
Motor Generators	Motor Generators are electric motors used to power electric drive systems that can also capture energy from the process of stopping an Automotive Vehicle to generate electricity through regenerative braking.	January 1, 2000 to March 20, 2017
Oxygen Sensors	Oxygen Sensors detect the amount of oxygen in an Automotive Vehicle's exhaust gases and sends a signal to the engine management computer or "engine control unit" which adjusts the air/fuel mixture to the optimal level. Oxygen Sensors includes air fuel ratio sensors (a type of "wideband" Oxygen Sensor). Air fuel ratio sensors are paired with a special interface circuit that will produce an electric current corresponding to the actual portion of exhaust gas/oxygen concentration enabling more precise control of the air/fuel ratio injected into the engine.	January 1, 2000 to August 13, 2018
Power Window Motors	Power Window Motors are small electric motors that are used to raise and lower Automotive Vehicle windows.	January 1, 2000 to April 2, 2019
Radiators	Radiators are devices that cool Automotive Vehicle engines and help prevent the engines from overheating. Radiators are a form of heat exchanger constructed from thin-walled tubes, and usually filled with a combination of water and antifreeze, which extracts heat from inside the engine block. Radiators indirectly expose coolant, heated by traveling through the engine block, to cool air as the vehicle moves. The term Radiators includes the following components, to the extent that they were procured as part of an assembly that includes a Radiator: fans, fan motors, hoses, pumps, covers, shrouds, thermostats, and expansion tanks.	June 1, 2000 to August 30, 2017

Part	Description <sup>2</sup>	Class Period
Spark Plugs	Spark Plugs are an engine component in an Automotive Vehicle which deliver high electric voltage from the ignition system to the combustion chamber for an internal combustion engine. Spark Plugs ignite the compressed fuel/air mixture with an electric spark while containing combustion pressure within the engine.	January 1, 2000 to August 13, 2018
Starters	Starters are a device that powers an Automotive Vehicle's battery to "turn over" and start when the driver turns the ignition switch.	January 1, 2000 to March 20, 2017
Valve Timing Control Devices	Valve Timing Control Devices are parts within the variable valve timing system of an Automotive Vehicle, which control the timing of the opening and closing of engine valves. Valve Timing Control Devices may include a VTC Actuator and/or solenoid valve.	January 1, 2000 to March 20, 2017
Windshield Washer Systems	Windshield Washer Systems are devices that deliver washer fluid to Automotive Vehicle windows. The term Windshield Washer Systems includes the following components, to the extent that they were procured as part of a Windshield Washer System: pumps, hoses, nozzles, and tanks.	January 1, 2000 to April 2, 2019
Windshield Wiper Systems	Windshield Wiper Systems are devices used to remove rain and debris from an Automotive Vehicle's windshield. Windshield Wiper Systems generally consist of an arm, pivoting at one end and with a long rubber blade attached to the other end. The term Windshield Wiper Systems includes the following components, to the extent that they were procured as part of a Windshield Wiper System: windshield wipers, motors, linkage arms and blades.	January 1, 2000 to August 13, 2018

For more information about the particular class actions, visit [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) or [www.sotosllp.com/class-actions/current-cases/auto-parts/](http://www.sotosllp.com/class-actions/current-cases/auto-parts/).

The class actions were started in British Columbia, Ontario and/or Quebec, but include Canadian residents in all provinces and territories. The class actions claim that the companies that sell the Relevant Parts were involved in conspiracies to illegally increase the prices of these products. These class actions ask the applicable Courts to require these companies to return any extra money they may have received due to the alleged conspiracies.

### C. WHO IS AFFECTED BY THE CLASS ACTIONS?

These class actions were certified as class proceedings as against the Settling Defendants for the purposes of implementing the settlement agreements.

You are affected by the class actions mentioned above and/or are a “member” of the settlement class of those actions if you are a person in Canada who, during the relevant class period (as set out in the chart above):

- purchased or leased, directly or indirectly, a new or used Automotive Vehicle in Canada;
- purchased a new or used Automotive Vehicle for import into Canada; or
- purchased, directly or indirectly, a Relevant Part in Canada.

### D. WHAT SETTLEMENTS HAVE BEEN REACHED IN THE CLASS ACTIONS?

A settlement is when a defendant agrees to pay money to the members of the class action in exchange for full release of the claims against them, without admitting liability for any of the claims.

Settlements have been achieved with:

- DENSO Corporation, DENSO International America, Inc., DENSO Manufacturing Canada, Inc., DENSO Sales Canada, Inc., DENSO Korea Corporation (f/k/a separately as DENSO International Korea Corporation and DENSO Korea Automotive Corporation), DENSO Products and Services Americas, Inc. (f/k/a DENSO Sales California, Inc.), DENSO Automotive Deutschland GmbH, ASMO Co., Ltd., ASMO North America, LLC, ASMO North Carolina, Inc., ASMO Greenville of North Carolina, Inc., ASMO Manufacturing, Inc., Korea Wiper Blade Co., Ltd. and Techma Corporation (“DENSO”);
- Hitachi Metals, Ltd. and Hitachi Cable America Inc. (“Hitachi Metals”); and
- NGK Spark Plugs (U.S.A.), Inc., NGK Spark Plugs Canada Limited, NGK Spark Plug Co., Ltd. and NTK Technologies, Inc. (“NGK Spark”).

These defendants (“Settling Defendants”) have agreed to pay the amounts set out below in exchange for a full release of the claims against them relating to the pricing of the Relevant Parts (and in the case of DENSO, the pricing of any “Automotive Part”<sup>3</sup>) and for the dismissal of any actions commenced in Canada by settlement class members relating to the pricing of the Relevant Parts (and in the case of DENSO, the pricing of any Automotive Part).

DENSO	
Air Conditioning Systems	\$4,943,000
Air Flow Meters	\$150,000
Alternators	\$5,120,000
ATF Warmers and Oil Coolers	\$302,000
Automotive Exhaust Systems	\$150,000

<sup>3</sup> “Automotive Part” is defined as any automotive part or part assembly manufactured or sold by DENSO and at least one other Defendant or alleged co-conspirator, without regard to whether or not it was sold directly to an original equipment manufacturer, and includes the Relevant Parts in respect of which DENSO has settled.

Ceramic Substrates	\$439,000
Electronic Control Units	\$150,000
Electronic Throttle Bodies	\$150,000
Fan Motors	\$150,000
Fuel Injection Systems	\$2,792,000
Fuel Senders	\$150,000
Heater Control Panels	\$150,000
HID Ballasts	\$678,000
Ignition Coils	\$1,060,000
Instrument Panel Clusters	\$2,419,000
Inverters	\$150,000
Motor Generators	\$150,000
Oxygen Sensors	\$860,000
Power Window Motors	\$150,000
Radiators	\$2,360,000
Spark Plugs	\$399,000
Starters	\$1,428,000
Valve Timing Control Devices	\$534,000
Windshield Washer Systems	\$150,000
Windshield Wiper Systems	\$178,000
Total	<b>\$25,162,000</b>
Hitachi Metals	
Automotive Brake Hoses	<b>\$175,000</b>
NGK Spark	
Automotive Exhaust Systems	\$66,510
Oxygen Sensors	\$1,080,787.50
Spark Plugs	\$1,080,787.50
Total	<b>\$2,228,085</b>

The Settling Defendants have also agreed to provide cooperation to the plaintiffs in pursuing the applicable class actions against the remaining defendants. The Settling Defendants do not admit any liability, wrongdoing or fault.

#### **E. SETTLEMENT APPROVAL HEARINGS**

Depending on where each action was commenced, the settlements are subject to the approval of one or more of the Ontario, British Columbia and/or Quebec Courts. However, in all circumstances, the settlements are national in scope. Even where there is no action commenced in British Columbia or Quebec, residents of those provinces are included in the national classes of the actions commenced in Ontario.

The Ontario Court will hold a hearing to decide whether to approve these settlements at Osgoode Hall, 130 Queen Street West, in the City of Toronto on February 28, 2020 at 10:00 a.m.

The Quebec Court will hold a hearing to decide whether to approve these settlements at Québec Courthouse, at 300 Boulevard Jean Lesage, in the City of Quebec on March 23, 2020 at 9:00 a.m.

In accordance with the *Canadian Judicial Protocol for the Management of Multi-Jurisdictional Class Actions*, if the Ontario Court approves the settlements, the BC settlement approval applications will be heard in writing.

The Courts will decide whether the settlements are fair, reasonable, and in the best interests of settlement class members.

The following chart identifies which Courts will be asked to approve the settlements:

<b>Settling Defendant</b>	<b>Part</b>	<b>Approving Court(s)</b>
DENSO	Air Conditioning Systems	Ontario and British Columbia
	Air Flow Meters	Ontario and Quebec
	Alternators	Ontario, British Columbia and Quebec
	ATF Warmers and Oil Coolers	Ontario
	Automotive Exhaust Systems	Ontario and British Columbia
	Ceramic Substrates	Ontario
	Electronic Control Units	Ontario, British Columbia and Quebec
	Electronic Throttle Bodies	Ontario and Quebec
	Fan Motors	Ontario
	Fuel Injection Systems	Ontario, British Columbia and Quebec
	Fuel Senders	Ontario, British Columbia and Quebec
	Heater Control Panels	Ontario, British Columbia and Quebec
	HID Ballasts	Ontario
	Ignition Coils	Ontario, British Columbia and Quebec
	Instrument Panel Clusters	Ontario, British Columbia and Quebec
	Inverters	Ontario and Quebec
	Motor Generators	Ontario and Quebec
	Oxygen Sensors	Ontario, British Columbia and Quebec
	Power Window Motors	Ontario
	Radiators	Ontario, British Columbia and Quebec
Spark Plugs	Ontario, British Columbia and Quebec	
Starters	Ontario, British Columbia and Quebec	
Valve Timing Control Devices	Ontario and Quebec	
Windshield Washer Systems	Ontario	
Windshield Wiper Systems	Ontario, British Columbia and Quebec	
Hitachi Metals	Automotive Brake Hoses	Ontario
NGK Spark	Automotive Exhaust Systems	Ontario and British Columbia
	Oxygen Sensors	Ontario, British Columbia and Quebec
	Spark Plugs	Ontario, British Columbia and Quebec

## **F. WHAT STEPS SHOULD I TAKE TO PROTECT MY RIGHTS?**

**If you want to be a member of any of these class actions, you do not need to do anything.** However, there are three steps that you should take to protect your legal rights:

1. You should keep records of any purchases or leases of all new Automotive Vehicles, Relevant Parts or other automotive parts in respect of which there is pending litigation (see [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) for a complete list) from January 1995 onward. Records include invoices, receipts and bank or loan statements.
2. Automotive dealerships should keep records of any sales or leases of new Automotive Vehicles, Relevant Parts or other automotive parts from January 1995 onward.
3. You should register online at [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) to receive updates about these class actions and the other auto parts price-fixing class actions.

There are over 40 cases pending in Canada relating to the alleged price-fixing of automotive parts relating to conduct as far back as January 1995. See [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) for a complete list of cases. You should keep related purchase records from January 1995 onward.

## **G. HOW CAN I PARTICIPATE IN THE SETTLEMENT APPROVAL HEARING?**

If you are a member of a settlement class, you can present your submissions on, or objections to, the settlements before the Courts, in the manner set out below.

### **Submissions in writing**

If you want to address the Courts in writing, you must send your written submissions to Class Counsel by email at [autoparts@sotosllp.com](mailto:autoparts@sotosllp.com) no later than February 21, 2020.

The written submissions must state the nature of any comments or objections, and whether you intend to appear at the settlement approval hearing(s). The written submissions can be provided in English or French (where necessary, an unofficial translation will be provided to the Courts).

Class Counsel will provide a copy of any written submissions to the Courts being asked to approve the settlement agreements.

### **Attending in person before the Courts**

All members of the settlement classes may (but do not need to) attend the hearing before the applicable Courts to approve the settlements.

You may attend the Ontario hearing in person by being present at **Osgoode Hall, 130 Queen Street West, in the City of Toronto on February 28, 2020 at 10:00 a.m.** You can attend as an observer or to make oral submissions to the Courts. If you wish to make oral submissions, please contact Class Counsel no later than February 21, 2020. If you are unable to attend in person, but wish to make oral submissions to the Ontario Court, please contact Class Counsel at [autopartsclassaction@siskinds.com](mailto:autopartsclassaction@siskinds.com), to the attention of Linda Visser.

You may attend the Quebec hearing in person by being present at **Québec Courthouse, at 300 Boulevard Jean Lesage, City of Québec on March 23, 2020 at 9:00 a.m.** You can attend as an observer or to make oral submissions to the Quebec Court. If you are unable to attend in person, but wish to make oral submissions to the Quebec Court, please contact Class Counsel at [recours@siskindsdesmeules.com](mailto:recours@siskindsdesmeules.com), to the attention of Karim Diallo, and Class Counsel will make the necessary arrangements for you to make submissions to the Quebec Court.

## **H. WHAT HAPPENS TO THE MONEY PAID UNDER THE SETTLEMENTS?**

At this stage, the settlement funds (less approved fees and expenses) are being held in interest-bearing trust accounts for the benefit of settlement class members. The plaintiffs are seeking approval of the method for distributing the aggregate settlement funds from the class actions relating to Air Flow Meters, Electronic Control Units, Fan Motors, Fuel Senders, Power Window Motors and Windshield Washer Systems (see section J below). At a later date, the courts will decide how the settlement funds for the other Relevant Parts will be distributed and how you can apply to receive money from these settlements. Watch for another notice at a later time explaining how to claim money from the settlements.

## **I. WHAT IF I DON'T WANT TO BE IN THE CLASS ACTIONS?**

Members of the Air Flow Meters, Alternators, Automotive Brake Hoses, Electronic Control Units, Electronic Throttle Bodies, Fan Motors, Fuel Injection Systems, Fuel Senders, Heater Control Panels, HID Ballasts, Ignition Coils, Instrument Panel Clusters, Inverters, Motor Generators, Oxygen Sensors, Power Window Motors, Radiators, Spark Plugs, Starters, Valve Timing Control Devices, Windshield Washer Systems and Windshield Wiper Systems actions were previously provided an opportunity to exclude themselves from the class actions ("opt out") and were advised that no further right to opt out would be provided.

Members of the Air Conditioning Systems and Automotive Exhaust Systems settlement classes can opt out.

Members of the ATF Warmers and Oil Coolers settlement class were previously provided an opportunity to exclude themselves from the class action regarding their purchases of ATF Warmers only. Settlement Class Members with purchases of Oil Coolers can only opt-out if they do not also have purchases of ATF Warmers.

Members of the Ceramic Substrates settlement class were previously provided an opportunity to exclude themselves from the class action regarding their purchases between July 1, 2000 and April 2, 2019. Settlement Class Members with purchases between July 1, 1999 and June 30, 2000 can only opt-out if they do not also have purchases between July 1, 2000 and April 2, 2019.

You can opt out by sending a signed letter to Class Counsel, with the following information:

- your full name, current address and telephone number;
- if you are writing on behalf of a company, the name of the company and your position at the company; and
- a statement saying that you (or the company) want to opt out of the class actions. You must identify which class actions you (or the company) want to opt out of.

Requests to opt out of the proceedings must be post-marked by March 24, 2020.

If you are a resident of Québec and wish to opt out, you must also send your opt-out letter to the Clerk of the Superior Court of Quebec, located at 300, Boulevard Jean-Lesage, Québec (Québec) G1K 8K6, by March 24, 2020.

If you exclude yourself or opt out:

- you will not be eligible to participate in the ongoing class action, and
- you will not receive any money from the class action, but
- you will be able to start or continue your own case against the defendants regarding the claims at issue in the class action.

If you do nothing, and so do not exclude yourself or opt out:

- you will be eligible to participate in the ongoing class action, and
- you may receive money from the class action, but
- you will not be able to start or continue your own case against the defendants regarding the claims at issue in the class action.

This is your only chance to exclude yourself or opt out of the class actions relating to Air Conditioning Systems, ATF Warmers and Oil Coolers (in respect of purchases of Oil Coolers only), Automotive Exhaust Systems, and Ceramic Substrates (in respect of purchases made between July 1, 1999 and June 30, 2000). No further right to opt out will be provided.

A Parallel class proceeding was commenced in Ontario against other defendants relating to the pricing of Automotive Exhaust Systems. The right to opt out applies in that action as well and no further right to opt out will be provided in respect of that action. Information on that action and the companies named as defendants is available on Class Counsel's website at: [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts).

#### **J. PROPOSED DISTRIBUTION OF THE AIR FLOW METERS, ELECTRONIC CONTROL UNITS, FAN MOTORS, FUEL SENDERS, POWER WINDOW MOTORS AND WINDSHIELD WASHER SYSTEMS SETTLEMENT FUNDS**

The Courts have previously approved settlements in the Air Flow Meters, Electronic Control Units, Fan Motors, Fuel Senders, Power Window Motors and Windshield Washer Systems actions as follows:

<b>Action</b>	<b>Defendant Group(s)</b>	<b>Aggregate Amount</b>
Air Flow Meters	Hitachi	\$725,000
Electronic Control Units	Sumitomo Electric, Hitachi and Mitsubishi Electric	\$450,000
Fan Motors	Mitsuba	\$476,042.96
Fuel Senders	Yazaki	\$100,000
Power Window Motors	Mitsuba	\$2,491,762.84
Windshield Washer Systems	Mitsuba	\$201,100.67

At the settlement approval hearings, the Courts will be asked to approve a protocol for distributing the aggregate settlement funds, plus accrued interest, less Court-approved legal fees and other expenses. A copy of the proposed distribution protocol is available at [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) or [www.sotosllp.com/class-actions/current-cases/auto-parts/](http://www.sotosllp.com/class-actions/current-cases/auto-parts/) or from Class Counsel.

The protocol is designed to compensate purchasers of Air Flow Meters, Electronic Control Units, Fan Motors, Fuel Senders, Power Window Motors and/or Windshield Washer Systems or Automotive Vehicles containing Air Flow Meters, Electronic Control Units, Fan Motors, Fuel Senders, Power Window Motors and/or Windshield Washer Systems in a manner that generally reflects the anticipated impact of the alleged price-fixing.

The protocol contemplates that the administration will run in tandem with the administration in the Automotive Wire Harness Action (the “WH Distribution”) and will rely on information provided in the context of the WH Distribution.

Based on information to date—both through publicly available documents and information obtained in the prosecution of the action—the following vehicles are potentially affected by the alleged wrongful conduct (the “Affected Vehicles”):

Action	Period	Brands
Air Flow Meters	January 1, 2002 and December 31, 2009	Honda/Acura, Nissan/Infiniti, and Toyota / Lexus
Electronic Control Units	January 1, 2000 and December 31, 2008	Toyota/Lexus
Fan Motors	January 1, 2001 and December 31, 2008	Honda/Acura, Nissan/Infiniti, and Subaru
Fuel Senders	January 1, 2004 and December 31, 2010	Toyota/Lexus
Power Window Motors	January 1, 2000 and December 31, 2005	Honda/Acura and Nissan/Infiniti
Windshield Washer Systems	January 1, 2000 and December 31, 2010	Nissan/Infiniti and Subaru

**As noted above, no wrongdoing is alleged as against Honda, Nissan, Toyota or Subaru and they are not defendants in the class actions.**

Subject to further order of the Ontario Court, the settlement funds will be distributed on a *pro rata* (or proportional) basis on the value of your claim relative to the value of all approved claims. The value of your claim will depend on:

- a) The purchase price of the Affected Vehicle: The purchase price will be based on the information provided as part of the WH Distribution, adjusted to cover the relevant years.
- b) The categorization of the Settlement Class Member: Settlement Class Members will be categorized as follows:
  - i. *National Brand Importers* means Toyota Canada Inc., Honda Canada Inc., Nissan Canada Inc., and Subaru Canada, Inc. National Brand Importers’ purchases or leases will be valued at 7.5% of the purchase price.

- ii. *Dealer* means a Settlement Class Member who purchased Affected Vehicles from a National Brand Importer or a subsidiary thereof, for resale to End Users. Dealer's purchases or leases will be valued at 25% of the purchase price.
- iii. *End User* means a Settlement Class Member who purchased or leased an Affected Vehicle for its own use and not for commercial resale. End Users' purchases or leases will be valued at 67.5% of the purchase price.

**Sample Calculation:**

If an End User purchased Affected Vehicles with purchase prices totaling \$150,000, its Affected Vehicle Purchases for the purposes of determining its *pro rata* share of the Net Settlement Funds would be calculated as follows:

$$\$150,000 \text{ (representing the purchase price)} \times 0.675 \text{ (representing the categorization of the Settlement Class Member as an End User)} = \$101,250.$$

Assuming the value of all qualifying Settlement Class Members' Affected Vehicle Purchases totalled \$10 million, this Settlement Class Member would be entitled to 1% (\$101,250/\$10 million) of the Net Settlement Funds.

Notwithstanding the foregoing, subject to further order of the Ontario Court following the adjudication of all claims, all valid claims will be assigned a minimum value of \$25. This minimum applies after totalling any entitlements pursuant to the WH Distribution and the proposed Distribution Protocol. For example, if a Settlement Class Member is entitled to \$17 pursuant to the WH Distribution and an additional \$6 pursuant to the proposed Distribution Protocol, the Settlement Class Member would receive a \$2 increase, for a total payment of \$25.

**K. APPLYING FOR THE SETTLEMENT FUNDS**

Any person who files a claim pursuant to the WH Distribution will be automatically considered for eligibility pursuant to the proposed Distribution Protocol. Eligibility will be determined based on information provided pursuant to the WH Distribution and in accordance with the procedures contained in the WH Distribution. A copy of the WH Distribution is available online at: [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts).

Approximately 40 cases have been commenced in respect of the alleged price-fixing of automotive parts. As additional auto parts cases resolve, it is likely that some of the resolved cases will relate to the same brands and years covered by the Automotive Wire Harness case. Subject to court approval, your eligibility for settlement benefits in those cases may depend on applying for settlement benefits in the Automotive Wire Harness case. If you do not apply for settlement benefits in the Automotive Wire Harness case, you may not be entitled to settlement benefits in those cases. For updates on the status of the proposed distribution of settlement funds, visit [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts).

Information about how and when to apply for the settlement funds under the WH Distribution protocol will be available in a future notice and will be posted online at: [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) or [www.sotosllp.com/class-actions/current-cases/auto-parts/](http://www.sotosllp.com/class-actions/current-cases/auto-parts/). If you did not receive this notice by mail or email, please register online at: [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) or by telephone at 1-888-977-9806 to ensure that further notices will be sent to you directly, by mail or email.

#### **L. WHO ARE THE LAWYERS WORKING ON THESE CLASS ACTIONS AND HOW ARE THEY PAID?**

The law firms of Siskinds LLP and Sotos LLP represent members of these class actions in Ontario, and in provinces other than British Columbia or Quebec, as well as corporations of more than 50 employees in Quebec.

Siskinds LLP can be reached at:

Telephone (toll free): 1-800-461-6166 x 2286

Email: [autopartsclassaction@siskinds.com](mailto:autopartsclassaction@siskinds.com)

Mail: 680 Waterloo Street, London, ON N6A 3V8 Attention: Linda Visser / Sylvia Flower

Sotos LLP can be reached at:

Telephone (toll free): 1-888-977-9806

Email: [autoparts@sotosllp.com](mailto:autoparts@sotosllp.com)

Mail: 180 Dundas Street West, Suite 1200, Toronto, ON M5G 1Z8 Attention: Jean-Marc Leclerc

The law firm of Camp Fiorante Matthews Mogerma LLP represents members of the Air Conditioning Systems, Alternators, Automotive Exhaust Systems, Electronic Control Units, Fuel Injection Systems, Fuel Senders, Heater Control Panels, Ignition Coils, Instrument Panel Clusters, Radiators, Starters and Windshield Wiper Systems class actions in British Columbia. They can be reached at:

Telephone: 1-800-689-2322

Email: [aslevin@cfmlawyers.ca](mailto:aslevin@cfmlawyers.ca)

Mail: #400 - 856 Homer Street, Vancouver, BC V6B 2W5 Attention: David Jones

The law firm of Klein Lawyers LLP represents members of the Oxygen Sensors and Spark Plugs class actions in British Columbia. They can be reached at:

Telephone: 604-874-7171

Email: [dtanjuatco@callkleinlawyers.com](mailto:dtanjuatco@callkleinlawyers.com)

Mail: 1385 West 8<sup>th</sup> Avenue, #400, Vancouver, BC V6H 3V9 Attention: Angela Bespflug

The law firm of Siskinds Desmeules s.e.n.c.r.l. represents members of the Air Flow Meters, Alternators, Electronic Control Units, Fuel Injection Systems, Fuel Senders, Heater Control Panels, Ignition Coils, Instrument Panel Clusters, Inverters, Motor Generator, Oxygen Sensors, Radiators, Spark Plugs, Starters, Valve Timing Control Devices, and Windshield Wiper Systems class actions in Quebec. They can be reached at:

Telephone: 418-694-2009

Email: [recours@siskindsdesmeules.com](mailto:recours@siskindsdesmeules.com)

Mail: Les promenades du Vieux-Quebec, 43 rue De Buade, bureau 320, Quebec City, QC G1R 4A2  
Attention: Erika Provencher

**As an individual, you do not have to pay the lawyers working on these class actions any money.** The lawyers will be paid from the money collected in these class actions. The Courts will be asked to decide how much the lawyers will be paid. The lawyers will collectively be asking that the Courts approve legal fees of up to 25% of the settlement funds, plus disbursements and applicable taxes. Any approved legal fees will be paid out of the settlement funds. Class Counsel reserve the right to ask the Courts to allow Class Counsel to use the settlement funds to pay for any future adverse cost awards or future disbursements.

#### **M. WHERE CAN I ASK MORE QUESTIONS?**

For more information, and relevant documents (including copies of the settlement agreements), please visit [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts).

For copies of the Ontario statements of claim, visit the Canadian Class Action Database at: <http://www.cba.org/Publications-Resources/Class-Action-Database>.

For a copy of the Quebec motions for authorization or to receive more information about class actions in Quebec, visit the Quebec Registry of Class Actions at <https://www.registredesactionscollectives.quebec/>.

To receive future notices and updates regarding the auto parts class actions and any future settlements, register online at [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts).

If you have questions that are not answered online, please contact Class Counsel at the numbers listed above.

#### **N. INTERPRETATION**

This notice contains a summary of some of the terms of the DENSO, Hitachi Metals, and NGK Spark settlement agreements. If there is a conflict between the provisions of this notice and the settlement agreements, the terms of the settlement agreements shall prevail.